

HABITAT CONSERVATION PLANNING on State-owned Aquatic Lands

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*Seattle waterfront. DNR
photo.*

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DNR's Habitat Conservation Planning Continues for Aquatic Lands

A Habitat Conservation Plan (HCP) is a tool for complying with the Endangered Species Act (ESA). The Aquatic Lands HCP will demonstrate how the Washington Department of Natural Resources (Washington DNR) will minimize and mitigate impacts to species resulting from otherwise lawful activities that DNR authorizes or carries out on state-owned aquatic lands.

An HCP is an agreement negotiated between the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, (collectively known as the Services) and a land owner or land manager such as Washington DNR.

In the last year, Washington DNR has made important progress in developing our Aquatic Lands HCP.

- In the summer of 2006, we held a series of workshops to gather public input on species and activities that should be included in an HCP.
- In the fall of 2006, we participated in Services-sponsored scoping under the National Environmental Policy Act (NEPA).
- We sponsored an independent scientific review of the documents, materials, and methodologies being used in the development of the HCP.
- We refined the list of species to be covered in the HCP.
- We focused the list of potentially covered activities.
- We are currently developing conservation measures that will lessen environmental effects from these activities, and stewardship measures that will further offset effects from continuing these activities.

If you are interested in following the progress of this HCP, in learning more about conservation measures that may apply to your lease, in providing us with more information or in giving us feedback, please contact us. See sidebar for contact information.

What Activities Will DNR Propose For the Aquatic Lands HCP?

Washington DNR is currently proposing to include the following activities in the HCP:

- overwater structures (docks, boat ramps, mooring buoys, floating homes)
- complex structures (marinas, shipyards, terminals)
- aquaculture (fin fish and shellfish)
- log booming and storage

Timeline

DNR plans to have a draft HCP for public review in Spring 2008. Federal review under the National Environmental Policy Act (NEPA) will follow, with formal NEPA review planned for Fall 2008. Implementation could begin in early 2009.



Shoreline bristling with docks. C. Cloen photo.



A dock incorporating conservation measures. S. Robinson photo.

Washington DNR has decided not to seek HCP coverage for three activities which we had originally proposed to include. Those activities are sand and gravel mining, small-scale mining, and public access that is not associated with a lease or a structure. We are focusing our work on those activities where we think we can add the most value for species and for users of state-owned aquatic land.

In order to choose the activities, we identified a series of “filters” to decide which of the many kinds of activities that occur on state-owned aquatic land should be included in the HCP. We also considered public input when deciding what activities to include.

We considered whether:

- The activity occurs on state-owned aquatic land under direct DNR jurisdiction.
- DNR authorizes or carries out the activity and is supportive of the activity continuing to occur.
- The activity is already ESA compliant because of another compliance or management mechanism, such as Section 7 permits.
- There is a known pathway of potential harm between the activity and any covered species. For example, overwater structures can shade out aquatic vegetation which some species use as habitat.
- The magnitude of potential harm is significant.
- Identifiable conservation measures exist to avoid, minimize, or mitigate for the potential harm. For example, overwater structures can incorporate grating to lessen shading.

Featured Land Use - Docks

An individual dock might seem to cause minimal changes to the environment, but many docks placed near each other along a shoreline can alter habitat in a number of ways. For example, docks can decrease the amount of light that reaches aquatic vegetation. They can alter currents and the movement of sediment, or introduce chemicals from treated wood into the water.

Washington DNR, with assistance from Washington Fish and Wildlife, recently completed a state-wide Geographic Information System (GIS) data layer of more than 27,000 overwater structures in both fresh and marine waters. Links to this information will be posted on our website soon. Most of these structures, about 23,000 of them, are located partially or wholly on state-owned land. Of those on state land, an estimated 17,000 are small docks measuring less than 2,500 square feet.

Conservation measures that can minimize the cumulative effects of docks, and that DNR will be considering for inclusion in the HCP, include:

- Design and build docks to be no larger than necessary to meet the water-dependent use that they support.
- Establish joint-use docks for two or more neighboring properties.
- Use materials in dock construction or repair that don't add chemicals to the environment. For example, use steel or concrete pilings instead of creosote-treated wood pilings.
- Include grating or other materials that transmit light into the dock surface.
- Use raised walkways to maximize light transmission near shore.

Species of Concern

The 23 species that DNR is currently considering covering in the HCP are: bald eagle, black tern, brown pelican, common loon, harlequin duck, marbled murrelet, western snowy plover, bull trout/ Dolly Varden, salmon (chinook, chum, coho, pink, sockeye), coastal cutthroat, steelhead, green sturgeon, white sturgeon, Columbia spotted frog, northern leopard frog, western pond turtle, western toad, and southern resident killer whale.

- Minimize night-time artificial lighting.
- Position docks so that they do not rest on the bottom during low tides or low water.
- Make sure that floatation material is encased so foam can't break loose.
- Minimize discharges of "gray water" (such as wash water) from docks and boats.
- Don't build docks in areas with sensitive aquatic habitat.

What species are of concern to DNR?

Protecting species and associated habitat is the purpose of the Endangered Species Act. Washington DNR initially evaluated 86 species of fish, birds, amphibians, reptiles, mammals, invertebrates, and plants that use state-owned aquatic land for habitat. As steward of state-owned aquatic lands, we want to make sure that our management supports species and ensures environmental protection.

There are currently 23 species that Washington DNR will address in the HCP. (See sidebar for the list of species.) Species could be added to the list of 23, or removed based on DNR's ongoing work to evaluate potential effects from activities on state-owned aquatic lands and conservation measures.

Featured Species – Marbled murrelet

Marbled murrelets (*Brachyramphus marmoratus marmoratus*) are medium-sized seabirds (approximately 9.5 inches long) with heavy compact bodies, short tails and necks, and short stubby wings. Populations of murrelets occur from the Bering Sea to central California. Marbled murrelets rely on old-growth forest for nesting habitat and use aquatic land for foraging. They may fly 40 miles or more between nesting and foraging habitat.



Distribution of the marbled murrelet population at sea during the breeding season appears to be determined by the distribution and accessibility of adjacent old-growth and late successional forest. The largest concentrations of marbled murrelets at sea have been observed adjacent to areas where nesting habitat is available. Marbled murrelets feed near the shore in ocean waters, and in inland saltwater bays, sounds, and inland passageways. They eat marine invertebrates and small fish. At sea, oil spills, pollution, and entanglement in gill nets are significant sources of mortality.

Long flights between nesting and foraging areas probably indirectly affect marbled murrelets' long-term viability. Washington DNR's 1997 State Trust Lands Habitat Conservation Plan includes actions to protect marbled murrelets' breeding habitat. DNR's Aquatic Lands Habitat Conservation Plan will include actions to protect marbled murrelets' foraging habitat.

Stay informed – You can reach us:

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Throughout the development of the HCP, ESA Team members are meeting with interested people and groups that would like to be involved in this project. If you would like Washington DNR to meet with a particular group, please let us know.

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